

AN ORDINANCE AMENDING THE CARRBORO LAND USE ORDINANCE TO ESTABLISH ARCHITECTURAL STANDARDS FOR DEVELOPMENT IN THE B-1(C), B-1(G), CT, M-1, AND B-2 ZONES

****DRAFT FROM 5-10-06 DISCUSSION****

THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO ORDAINS:

Section 1. Article XI of the Carrboro Land Use Ordinance is amended by adding a new Section 15-178 that reads as follows:

Section 15-178 Architectural Standards for Downtown Development

—(a) The Board has established a policy that encourages the evolution of a downtown district that embodies the Town's character and includes medium-rise buildings that are appropriately site with adequate public access in keeping with downtown design guidelines. ~~High-quality~~ Quality ~~sited and building design and construction is~~ are considered a ~~primary~~ primary elements of the built environment in downtown Carrboro. Creativity is encouraged to the extent that new architectural design is harmonious and complementary with existing buildings and with the community as a whole. Standards have been developed to add consistency and predictability to the permit review process. The following provisions shall apply to new construction within the B-1(c), B-1(g), CT, M-1, and B-2 zoning districts. All projects must conform with the following requirements to the extent practicable, except as otherwise provided in subsection (c):

(1) To the extent practicable, a primary entrance shall be located on the right of way and shall be articulated either by a recess or by a detachable awning. ~~B~~business entry, at least six feet in depth and at least eight feet in width, at the principle façade along a public right of way for all buildings must be provided. , fifty percent of which is free from any building area at the ground floor level.

(2) ~~Consistency of architectural elements, including but not limited to, door and window styles, placement, and sizes, exterior materials, trim, lighting, and cornices, along all facades of a structure that is visible from a public right of way and/or adjacent residential zoning district.~~

—(3) ~~The line between the ground and upper floor levels is~~ shall be articulated with a cornice, canopy, balcony, arcade, or other visual device.

—(4) ~~Buildings shall be designed s so that they demonstrate similarity with neighboring buildings at the streetfront in at least five~~ four of nine the following eight visually significant elements: (i.e. size, height, articulation and proportion of building elements, roof form, setbacks, fenestration, materials, and color, and texture), based on the criteria below:. ~~The four elements selected shall comply with the following criteria:~~

(a) ~~When an element is present in both neighbors, the element must be used in the new design~~

(b) ~~When neighbors use different types of a particular element, the new design must use one of the types.~~

~~(e) When neighbors differ in several elements, examples of both must be included~~

~~(54) Either a cornice or an ornamental or articulated parapet shall be provided.~~

~~(2) (65) Provide a minimum of 40/60 percent glass surface on the building elevation visible from a street right of way, to the extent practicable. Between 40 and 75 percent of the front or side of a building facing a street must consist of transparent glass surfaces, with a minimum of 60 percent at the ground level façade.~~

~~(76) Buildings shall have A a minimum of 15 percent transparent surface on the rear façade that faces a public right of way or adjacent residential zoning district.~~

~~(87) Buildings taller than 40 feet shall maintain a 20 percent shade free area within any public right of way located between two lines extended north from the easternmost and westernmost property boundaries at the street right of way as measured at noon on September 21.~~

~~(3) (98) Provide habitable building space in front of any parking or utility space at the building elevation visible from the street right of way, to the extent practicable. The area of parking covered by any portion of a building may not exceed 40 percent of the gross floor area of the footprint of the building and must be separated from the street right of way on which the principal façade of the building is facing by habitable building space.~~

~~(109) A minimum of 60 percent of the gross floor area of a building at the street level on which the principal façade of the building is facing must be habitable building space.~~

~~(1110) A building more than 45 feet in width shall be divided into increments of no more than 45 feet through articulation of the façade achieved through the following techniques:~~

- ~~(a) Divisions or breaks in materials~~
- ~~(b) Window bays~~
- ~~(c) Separate entrances and entry treatments~~
- ~~(d) Variation in roof line~~
- ~~(e) Building setbacks~~

~~(4) (1211) The following exterior materials are prohibited: metal siding with exposed fasteners, vinyl siding, and processed wood panel products (e.g. hardboard). Exterior finish siding materials of shall consist of the following only: brick, architectural metals other than roll form types, or cementitious, wood-like siding. Vinyl siding is prohibited.~~

~~(b)~~

~~(b) For the purposes of this section, the term neighboring property shall mean an existing commercial building or buildings located on an adjacent lot and facing the same street as a new building that is subject to the architectural standards specified above.~~

~~(b) 13(c) Notwithstanding the foregoing, applicants for projects that do not comply with the standards specified above may voluntarily participate in an alternative design review process with the Appearance Commission. Such projects may receive approval from the permit issuing authority so long as it can be demonstrated that the alternative design substantially achieves the~~

~~purpose, as spelled out in subsection (a) of this section, of the architectural standards for downtown development. If the Appearance Commission certifies to the permit-issuing authority that the alternative design substantially achieves the purpose, as spelled out in subsection (a) of this section, of the architectural standards for downtown development, then the development shall not be required to comply with the standards set forth in subsection (a).~~

Section 2. Appendix A of the Carrboro Land Use Ordinance is amended by the addition of a new provision (25) in A-6 Proposed Changes in Existing Features orf New Features that reads as follows:

(25) Plan for Downtown Architectural Standards to comply with Section 15-178 and including, but not limited to, elevation drawings/illustrations of existing and neighboring property building facades.

Section 3. Article IX of the Carrboro Land Use Ordinance is amended by removing the phrase "no metal buildings shall be allowed in this district" from the zoning district purpose and objectives for the B-1(G) zoning district provided in Section 15-136 (2) so that the subsection reads as follows:

B-1(G) GENERAL BUSINESS. This district is designed to accommodate a broad range of business uses. This district, because of its close proximity to established residential single family neighborhoods, is limited in the types of night uses permitted. Uses may be restricted in the hours of operation where the permit-issuing authority finds that such restrictions are necessary to prevent unreasonable disruptions to the peace and quiet of a nearby residential area.

~~Section 4. Article IX of the Carrboro Land Use Ordinance is amended by deleting Section 15-136 (3) (e).~~

Section 4 ~~5~~. Article IX of the Carrboro Land Use Ordinance is amended by revising Section 15-136 (7) CT Corporate Town to remove the references to architectural requirements so that the subsection reads as follows:

CT CORPORATE TOWN. This district is designed to create a visually attractive, commercial use district with flexible space. The district is intended to provide space for assemblage and research and development type enterprises. Any structure in this district which is proposed for non-residential use shall be located a minimum distance of 50 feet from any residential dwelling unit in the district that was in existence on July 1, 1985. In order to encourage the creation of flexible space, an average minimum building height of 18 feet for any principal structure is required. The continued use of existing residential dwelling units along North Greensboro Street is encouraged.

~~Section 5 6.~~ All provisions of any town ordinance in conflict with this ordinance are repealed.

Section ~~6 47~~. This ordinance shall become effective upon adoption.

PUBLIC HEARING: LAND USE ORDINANCE TEXT AMENDMENT TO ESTABLISH ARCHITECTURAL STANDARDS FOR DOWNTOWN CARRBORO

The Board of Aldermen has been considering architectural requirements for the downtown area. A draft ordinance that incorporates architectural standards has been prepared. It was necessary for the Board of Aldermen to receive public comments prior to taking action on the proposed change.

Trish McGuire, the town's Planning Administrator, made the presentation.

James Morgan stated that the Downtown Design Guidelines are out of date and are due for review. He showed several examples of buildings in the downtown that currently exist but would not comply with the proposed architectural standards. He asked that the Board continue discussion of architectural standards for downtown Carrboro. He also suggested that the town consider giving out awards for good design.

David Ripperton stated that creativity should not be restricted and the current review process should be used. He stated that he feels the height limit should have been left at three stories, and that the town should be more diligent in its review of projects.

Laura van Sant, speaking for Main Street Properties, stated that their proposed project would violate 8 of the 11 requirements in the proposed ordinance.

Gary Giles stated that the proposed architectural standards are loaded with mediocrity and urged the Board to consider performance criteria, and that the Board consider concept review. He urged the Board to reject the draft ordinance. Mr. Giles submitted comments for inclusion in the record. He stated that he feels the Downtown Design Guidelines should be updated periodically.

Jim Spencer stated that the goal is admirable, but the problem comes when you try to quantify design. He stated that he believes town will achieve greater diversity in design with fewer restraints. In addition, he stated that he feels the current regulations address the same issues.

James Carnahan stated that the Planning Board looked at three different options-- support or not support the proposal, go through proposal and make particular suggestions for the 11 items, or that the standards not be adopted and making concept review a requirement for all downtown zones. He suggested that requirement #3 of the proposed ordinance be dropped, that requirement #4 should read: "Either a cornice or an ornamental or articulated parapet shall be provided at the roof," and that exterior siding materials should be expanded.

Jack Haggerty spoke in opposition to the proposed standards, and volunteered to serve on a committee to address specific concerns.

Alderman Broun suggested that Alderman Herrera be given an opportunity to review the recording of tonight's public hearing. In addition, Alderman Broun asked for a brief staff report on whether the building located at 605 W. Main Street could have been constructed under the current land use provisions.

**CONTINUATION OF A PUBLIC HEARING ON LAND USE ORDINANCE TEXT AMENDMENTS
TO ESTABLISH ARCHITECTURAL STANDARDS FOR DOWNTOWN CARRBORO**

The Board of Aldermen held a public hearing on January 24, 2006 and received public comments on a draft ordinance that establishes architectural standards for the downtown. The Board of Aldermen continued the hearing to allow additional time for consideration of the draft ordinance.

Trish McGuire, the town's Planning Administrator, addressed the Board.

Alderman Broun proposed creating a subcommittee with architects and members of the Planning Board and Appearance Commission to develop a group of standards that are performance based.

Alderman Coleman said he is intrigued by the suggestion made by James Carnahan about revising the burden of proof for the CUP. He would like to see staff comment on the workability of this proposal.

Mayor Chilton expressed concern about a grocery store project where Mellott Contracting is now. It could be done well or poorly from an aesthetic point.

Mayor Chilton said that a few items strike him as very important and we ought to be proscriptive. A ground floor exclusively for parking is a bad idea. He does not want to completely adopt or shelve what we have in front of us. He asked that the Planning Board and/or some knowledgeable people to go through this and keep the good points – even if they cut out 80-90% of what is there.

Alderman Broun said that she is not opposed to that, but as of now, she cannot support it. She wants more commercial and not more expensive condos.

Bob Kirschner addressed the Board. He asked for a summary of James Carnahan's email.

James Carnahan addressed the Board to summarize his email.

Mayor Chilton stated that the Board should consider looking at the Table of Permissible Uses and types of permits for land uses. Our ordinance would allow an Advance Auto to open with a zoning compliance permit and permission from staff, but in the same zoning district, a childcare center would require someone to come before the Board and it would take 12-18 months. It does not make any sense at all.

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY JOAL BROUN THAT THE PLANNING BOARD, APPEARANCE COMMISSION AND ECONOMIC SUSTAINABILITY COMMISSION DISCUSS THE ARCHITECTURAL STANDARDS AND PRESENT A REPORT TO THE BOARD OF ALDERMEN BY MID-MAY. VOTE: AFFIRMATIVE ALL

TOWN OF CARRBORO

**DOWNTOWN ARCHITECTURAL
STANDARDS ORDINANCE REVIEW
SUBCOMMITTEE OF THE
Planning Board****Economic Sustainability Commission
Appearance Commission**

301 West Main Street, Carrboro, North Carolina 27510

R E C O M M E N D A T I O N**WEDNESDAY, MAY 10, 2006**

The subcommittee recommends that the Board of Aldermen consider establishing a policy that all projects requiring special use or conditional use permits will participate in a concept plan review process prior to submitting a formal application. The concept plan review process will be modeled on the joint courtesy review process that has been followed by a number of advisory boards for several years and will involve the following steps:

1. Applicant attends Development Review meeting and discusses proposed project with staff and others.
2. Applicant coordinates with staff the scheduling of the concept plan review to ensure that members of the following advisory boards and commissions, and their associated board liaisons are able to attend: Planning Board, Appearance Commission, Transportation Advisory Board, Environmental Advisory Board, Economic Sustainability Commission, Recreation and Parks Commission, and Northern Transition Area Advisory Commission.
3. Whenever possible, the concept plan review will be scheduled for the first Thursday of the month, during the time slot that is normally made available for other joint review activities.
4. Applicant submits illustrations of the principal floor plan and building elevation, at a minimum. Applicant provides other materials as needed to demonstrate the concept of the proposed project.
5. Advisory boards and commissions provide comments to the applicants, if desired.
6. Advisory board and commission review original comments, if any, when a project is nearing completion and has been referred back for a formal recommendation. This provides an opportunity for the boards and commissions to examine them and to request an explanation as to why or why not comments had been addressed.

Agreed to by the consensus of those present: Stan Babiss, David Clinton, Debra Fritz, Jack Haggerty, Ellie Kinnaird, Peter Lee, Bill Soeters

ATTACHMENT D

**A RESOLUTION ADOPTING A STATEMENT EXPLAINING THE
BOARD OF ALDERMEN'S REASONS FOR REJECTING AN AMENDMENT
TO THE TEXT OF THE CARRBORO LAND USE ORDINANCE**

Resolution No. 132/2005-06

WHEREAS, an amendment to the text of the Carrboro Land Use Ordinance has been proposed, which amendment is described or identified as follows: An Ordinance Amending the Carrboro Land Use Ordinance to Establish Architectural Standards for Development in the B-1 (c), B-1(g), CT, M-1, and B-2 Zones

NOW THEREFORE, the Board of Aldermen of the Town of Carrboro Resolves:

Section 1. The Board concludes that the above described amendment is not consistent with Carrboro Vision 2020: Policies through the year 2020.

Section 2. The Board concludes that its rejection of the above described amendment is reasonable and in the public interest because existing policies are sufficient.

Section 3. This resolution becomes effective upon adoption.

**A RESOLUTION ADOPTING A STATEMENT EXPLAINING THE BOARD OF
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NOW THEREFORE, the Board of Aldermen of the Town of Carrboro Resolves:

Section 1. The Board concludes that the above described amendment is consistent with Carrboro Vision 2020: Policies through the year 2020.

Section 2. The Board concludes that its adoption of the above described amendment is reasonable and in the public interest because the Town seeks the development and placement of architecturally significant commercial and civic buildings in order to achieve an attractive developed environment. Furthermore, Town policies identify the need to periodically revisit and update architectural guidelines to evaluate their effectiveness and their impact on other policy areas.

Section 3. This resolution becomes effective upon adoption.